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In re Application of :
PEGRAM et al. :
Application No. 09/925,111 :
Filed: August 9, 2001 :
Attorney Docket No. VTN0547 :

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OFFICE OF PETITIONS

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 19, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed November 9, 2004, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 10, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees¹; (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly, the issue and publication fee payments are accepted as having been unintentionally delayed.

There is no indication that the petitioner has submitted Part B – Fee(s) Transmittal form PTOL-85. Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Fee(s) Transmittal form should be completed and returned to Mail Stop Issue Fee, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450, within **ONE MONTH** from the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4787.

The application matter is being forwarded to the Office of Patent Publication.

Denise Pothier
Petitions Examiner
Office of Petitions

Enc: PART B – FEE(S) TRANSMITTAL (PTOL-85)

¹ There appears to be some confusion in the petition as to the proper reply. Petitioner submitted an amendment previously filed on October 21, 2004 and makes reference to a declaration and its fee (\$130), when none was filed or required. The Notice of Allowability required payment of the issue and publication fee, and the Notice of Abandonment mailed March 14, 2005 indicates the application went abandoned for failure to pay the issue and publication fee. Based on the general authorization in the petition, these fees have been charged to petitioner's deposit account.